

# **IN THE BOARD OF SUPERVISORS**

County of San Luis Obispo, State of California

\_\_\_\_\_day \_\_\_\_\_, 20\_\_\_\_

PRESENT: Supervisors

ABSENT:

## **RESOLUTION NO. \_\_\_\_\_**

### **RESOLUTION OF NECESSITY FOR THE REAL PROPERTY INTERESTS REQUIRED FROM CLARENCE E. AND ALLENE F. ELDER LIVING TRUST FOR THE SAN LUIS OBISPO COUNTY LA PANZA ROAD WIDENING PROJECT, SUPERVISORIAL DISTRICT NO. 5**

The Board of Supervisors of the County of San Luis Obispo, State of California, does hereby resolve as follows:

1. La Panza Road is a rural collector located east of the unincorporated community of Creston between State Routes 41 and 58. The La Panza Road Widening Project will improve the road from Ryan Road to Hord Valley Road by constructing four foot (4') paved shoulders and relocating the adjacent drainage ditch and related drainage improvements; and
2. On June 5, 2012, the San Luis Obispo County Board of Supervisors adopted the findings required by the California Environmental Quality Act and approved a Mitigated Negative Declaration for said La Panza Road Widening Project (ED10-141; 300397) (WBS 300397). This report, including the Notice of Determination & Initial Study, summarizes the purpose and need for the Project; and
3. On February 23, 2011, the California Department of Transportation approved the County's application for Highway Traffic Safety Improvement Program (HSIP) Funds for the La Panza Road Widening Project. The County's application, dated December 8, 2010, further describes the purpose and need for the Project; and

4. The County of San Luis Obispo desires to acquire a Public Road and Slope Easement for a public road and related facilities in, over, upon, across and through the certain parcel of real property described and depicted in Exhibit "1" attached hereto; the described real property interests are required for public use by exercise of the power of eminent domain. The acquisition of these real property interests is required to complete construction of the La Panza Road Widening Project ("Project"). A general description of the Project is contained in the Mitigated Negative Declaration, Notice of Determination, & Initial Study (ED10-141; 300397) (WBS 300397), which is incorporated herein by reference; and
5. The County of San Luis Obispo desires to exercise its eminent domain authority to acquire the described real property interests in, over, within, upon, across and through each of those certain parcels of land described in Exhibit "1," attached hereto and specifically incorporated herein; and
6. Pursuant to Code of Civil Procedure Section 1245.235, written notice of the intent to consider the adoption of this Resolution of Necessity was sent on February 8, 2013, to the owners of record of said real property. Said Notice of Hearing was also mailed to all persons whose names appear on the last equalized County Assessment Rolls as having an interest in the subject real property; and
7. Said real property interests as described are located entirely within the County of San Luis Obispo, State of California, and are necessary for the purpose of constructing the Project, and for related public uses and purposes; and
8. The Board of Supervisors of the County of San Luis Obispo has previously determined that all requirements of the California Environmental Quality Act (CA Public Resources Code 21000 et seq) have been met; and
9. A Public Hearing was held and due consideration of all oral and documentary evidence introduced has been given.

**IT IS HEREBY FOUND AND DETERMINED** by at least a four-fifths vote of this entire Governing Board that:

- I. The findings and declarations contained in this Resolution are based upon the record with respect to the Project before the Board of Supervisors at its hearing of March 26, 2013, the Staff Report dated March 26, 2013, and the testimony, records and documents referenced at said hearing, all of which are incorporated by this reference.
- II. The real property interests as described are to be acquired in, over, within, upon, across and through each of those certain parcels of land more specifically described in Exhibit "1," attached hereto and made a part hereof.
- III. Said real property interests as described are to be acquired for public purposes, pursuant to the authority granted in California Constitution Article I Section 19;

California Government Code sections 25350.5; Title 7, Part 3 of the Code of Civil Procedure; and other provisions of law.

- IV. The public interest and necessity require the real property interests as herein described.
- V. The proposed Project is planned or located in the manner that is most compatible with the greatest public good and the least private injury.
- VI. The real property interests as described in, over, within, upon, across and through the certain parcels of land described in Exhibit "1," attached hereto and made a part hereof are necessary for the proposed project.
- VII. Under Code of Civil Procedure Section 1240.510, the proposed use of those certain parcels of land described in Exhibit "A" will not unreasonably interfere with or impair the continuance of any public use as it now exists or may reasonably be expected to exist in the future.
- VIII. The statutory offer required by Government Code Section 7267.2 has been made to the owners of record.
- IX. The Chairperson, or acting Chairperson of this Board of Supervisors, is hereby authorized and directed to execute all documents and papers necessary for the initiation, processing and completion of an eminent domain proceeding for the acquisition of the real property interests in the properties described in Exhibit "1," attached hereto.

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Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

the foregoing Resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL  
County Counsel

By:   
Deputy County Counsel

Dated: March 1, 2013  
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STATE OF CALIFORNIA,     }  
County of San Luis Obispo,     } ss.

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

By \_\_\_\_\_  
Deputy Clerk.

## **EXHIBIT 1**

**A Permanent Exclusive Easement** in perpetuity for Public Road and Slope purposes including, but not limited to, the right to lay, construct, repair, maintain, operate, renew and replace roadway improvements, roadway related water collection and drainage systems, public utility facilities and appurtenances incidental thereto, in, over, on, along, through, within, under, and across that certain real property situate in the County of San Luis Obispo, State of California, described and depicted in Exhibit "A" attached hereto and incorporated herein by reference. Said Permanent Exclusive Easement includes the right to maintain slopes and ditches; plant and maintain grass, plants, or shrubs within the easement area for soil erosion purposes.

## LEGAL DESCRIPTION

## ELDER EASEMENT PARCEL

Portions of Lots 87 and 89 of the Subdivisions of the Huer Huero Rancho and adjacent lands surveyed May 1884, in the County of San Luis Obispo, State of California, according to the map filed for record in Book A at Page 110 of Maps in the Office of the County Recorder of said County, said portions lying southwesterly of the following described line:

**Beginning** at the corner common to Lot 44 and Lot 45 of Ramona Acres Units No. 1 and 2, in the said County of San Luis Obispo, according to the map recorded February 19, 1926 in Book 3 at Page 72 of Maps in the Office of the County Recorder of said County and on the southwesterly right of way line of La Panza Road, said corner being marked by a 1 ½ inch iron pipe tagged LS 3976 according to the Record of Survey map recorded June 29, 1983 in Book 45 at Page 31 of Licensed Surveys in the Office of the County Recorder of said County, said point bearing South 61°43'30" East 576.07 feet (S 61°57'00" E per said 45/LS/31) from a 1 ½ inch iron pipe tagged LS 3976 marking the intersection of the said southwesterly right of way line with the easterly side line of a 40 foot wide road as shown on said Record of Survey map;

Thence North 55°05'37" West 519.56 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 573.00 feet and to which beginning a radial line bears South 39°12'35" West;

Thence northwesterly 189.05 feet along said curve through a central angle of 18°54'13";

Thence North 27°31'57" West 1,902.14 feet;

Thence North 26°49'08" West 310.72 feet;

Thence North 63°19'08" East 5.81 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 59,843.00 feet and to which beginning a radial line bears South 63°19'08" West;

Thence northwesterly 681.80 feet along said curve through a central angle of 0°39'10";

Thence North 26°01'42" West 83.80 feet;

Thence North 26°32'09" West 585.62 feet;

Thence North 25°36'21" West 1,268.96 feet;

## EXHIBIT A

(page 2 of 5)

Thence North 31°06'21" West 423.61 feet;

Thence North 29°36'25" West 169.43 feet;

Thence North 30°08'02" West 389.90 feet;

Thence North 15°13'43" East 71.13 feet to the beginning of a non-tangent curve concave to the north having a radius of 150.00 feet and to which beginning a radial line bears South 17°15'18" East;

Thence westerly 130.64 feet along said curve through a central angle of 49°53'57";

Thence North 61°05'47" West 919.68 feet to a ½ inch rebar capped LS 3877 marking the most northerly corner of Parcel 1 of CO-74-296 and on the said southwesterly right of way line, according to the Record of Survey map recorded June 6, 1978 in Book 31 at Page 53 of Licensed Surveys in the Office of the County Recorder of said County, said point bearing North 33°54'08" West 7,394.10 feet from the Point of Beginning.

Containing 4,753 square feet more or less.

The above described Parcel is graphically shown on the Overall and Elder Easement Parcel Exhibits, consisting of three page, attached hereto and made a part hereof.

### END DESCRIPTION

*Joseph T. Morris*

Joseph T. Morris, PLS 6192 10/10/2012



# EXHIBIT A

(page 3 of 5)

## LEGEND

● = 1-1/2" IRON PIPE TAGGED  
LS 3976 PER R UNLESS  
NOTED OTHERWISE

R = 45/LS/31

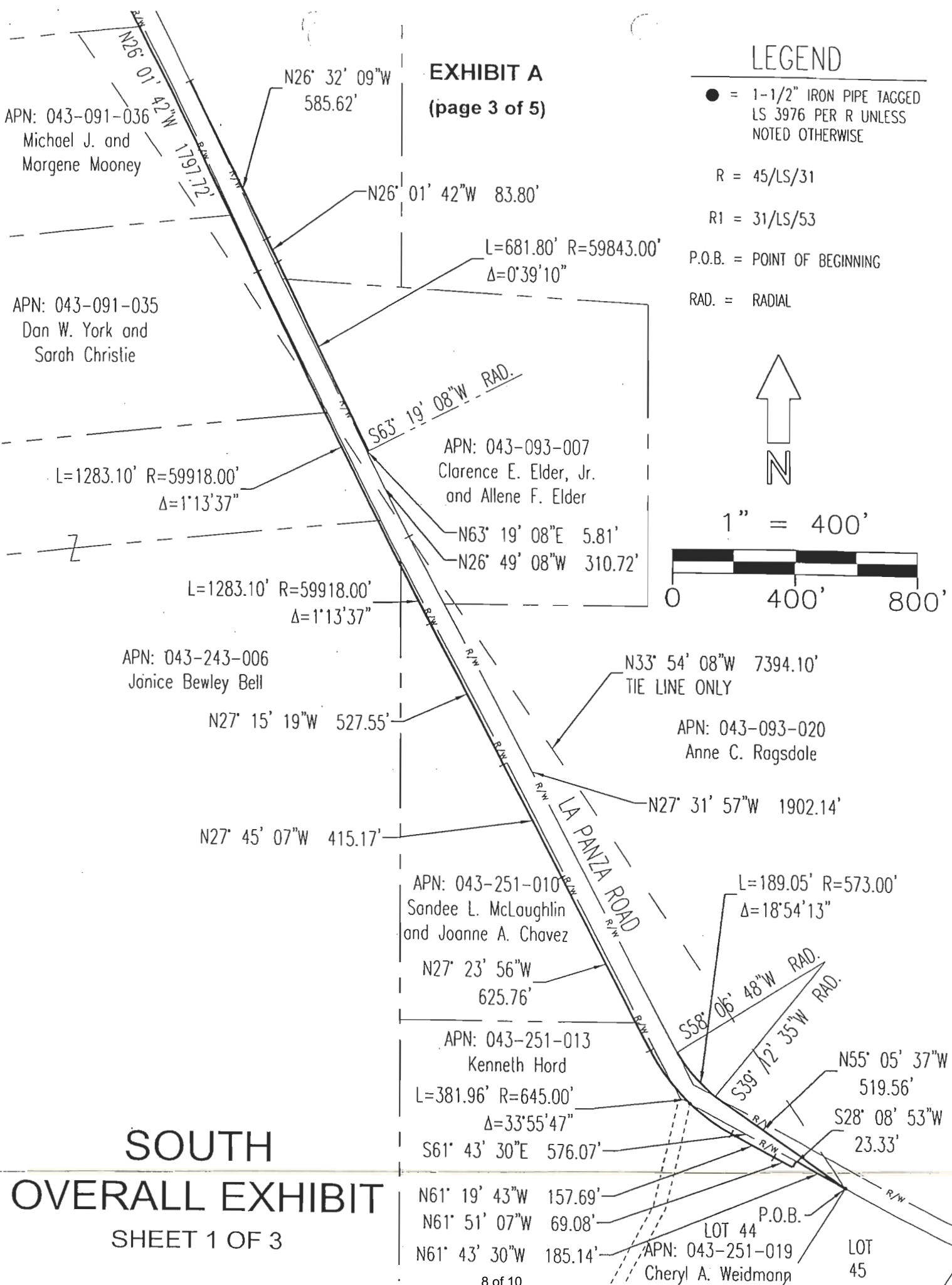
R1 = 31/LS/53

P.O.B. = POINT OF BEGINNING

RAD. = RADIAL



1" = 400'

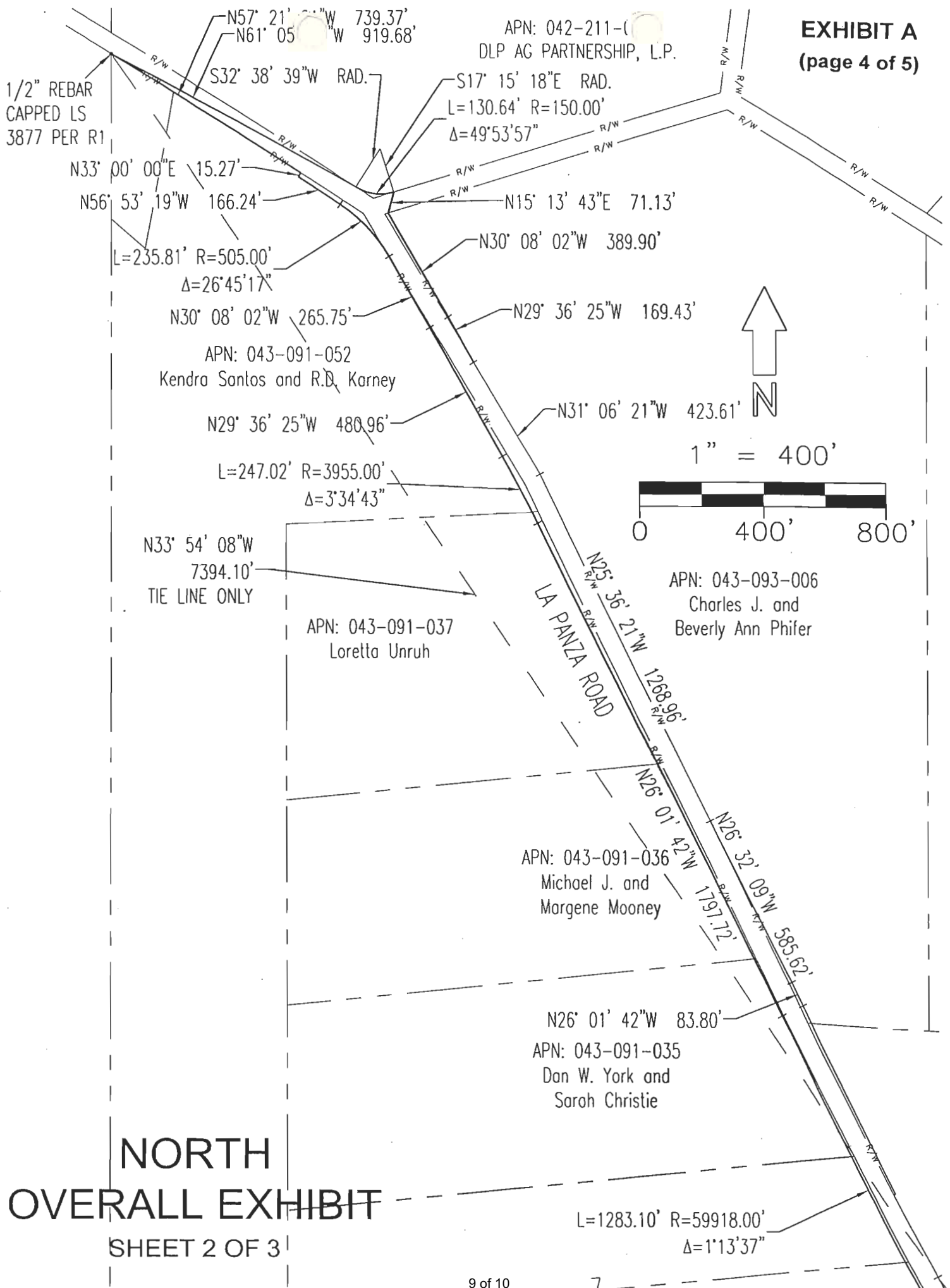


SOUTH

OVERALL EXHIBIT

SHEET 1 OF 3





**NORTH**  
**OVERALL EXHIBIT**  
SHEET 2 OF 3



1" = 100'



60'

N33° 54' 08"W  
TIE LINE ONLY  
7394.10'

L=681.80' R=59843.00'  
 $\Delta=0^{\circ}39'10''$

LA PANZA ROAD

PORTION OF LOTS 87 & 89

A/MB/110

APN: 043-093-007

Clarence E. Elder, Jr.  
and Allene F. Elder

S63° 19' 08"W RAD.

N63° 19' 08"E 5.81'

60'

N26° 49' 08"W  
310.72'

ELDER  
EASEMENT PARCEL  
4753 Sq. Ft.+/-

SHEET 3 OF 3